SUPPORT FOR THE AMENDMENT

Support for the amendment of Claim 1 is found on page 3, line 35, in the specification.

Claim 3 is herein canceled.

No new matter will be added to this application by entry of this amendment.

Upon entry of this amendment, Claims 1-2 and 5-10 are active.

REMARKS/ARGUMENTS

The claimed invention is directed to an alkoxylate mixture having improved properties in wetting of hard surfaces, reduced foaming and surface tension and therefore suitable for use as an emulsifying agent, a foam regulator and a wetting agent for hard surfaces. The alkoxylate mixture comprising alkoxylates of the formula (I)

$$C_5H_{11}CH(C_3H_7)CH_2O(B)_p(A)_n(B)_m(A)_qH \qquad (I)$$

where A is ethyleneoxy, B is propyleneoxy and A and B are present in the form of blocks in the stated sequence, p is a number from 1 to 3, n is a number from 0.25 to 10, m is a number from 2 to 10, q is a number from 1 to 5. From 85 to 96% by weight of the mixture is an alkoxylate A1, in which C_5H_{11} is n-C_5H_{11}, and from 4 to 15% by weight is an alkoxylate A2, in which C_5H_{11} is $C_2H_5CH(CH_3)CH_2$ and/or $CH_3CH(CH_3)CH_2CH_2$. No such composition is disclosed or suggested in the cited references.

Applicants respectfully point out that independent Claim 1 is herein amended to describe p as a number from 1 to 3, and therefore the alkoxylates of formula (I) represents a structure wherein four blocks of ethyleneoxy and propyleneoxy units are attached to the $C_5H_{11}CH(C_3H_7)CH_2O$- unit. The blocks are attached in the specific order beginning at O- of propyleneoxy-ethyleneoxy-propyleneoxy-ethyleneoxy.

The arrangement of four alkyleneoxide blocks according to Claim 1 provides a mixture wherein the residual alcohol content is significantly reduced because of the reactivity of propylene oxide to the alcohol. The first propylene oxide block is of very short length which provides improved biodegradability.

The rejection of Claims 1-3 and 5-10 under 35 U.S.C. 102(a) over Ruland et al. (WO 03/091190 equivalent to U.S. 2005/0170991) is respectfully traversed.

Ruland describes an alkoxylates mixture comprising at least one alkoxylates of the formula (I)

$$C_nH_{2n+1}O(A)_x(B)_yH$$

and at least one alkoxylates of the formula (II)

$$C_mH_{2m+1}O(A)_v(B)_wH$$

wherein n is 8-11, m is 12-24, y is 0-10 and w is 0-10.

In describing formula (I), Ruland states: "In the formula (I), x is a number in the range from 1 to 20, preferably 3 to 12. y is a number in the range from 0 to 10, preferably 0 to 5, **particularly preferably 0**." [0041]

In description of formula (I), Ruland states:

> "where groups A and B may be present randomly distributed, alternately or in the form of two or more blocks in any order." [0013]

Ruland does not specifically disclose an alkoxylate mixture of the formula (I) according to the claimed invention

$$C_5H_{11}CH(C_3H_7)CH_2O(B)_p(A)_n(B)_m(A)_qH \qquad (I)$$

where A is ethyleneoxy, B is propyleneoxy and A and B are present in the form of blocks in the stated sequence, **p is a number from 1 to 3**, n is a number from 0.25 to 10, m is a number from 2 to 10, q is a number from 1 to 5, comprising from 85 to 96% by weight of alkoxylates

A1, in which C_5H_{11} is n-C_5H_{11}, and from 4 to 15% by weight of alkoxylates A2, in which C_5H_{11} is $C_2H_5CH(CH_3)CH_2$ and/or $CH_3CH(CH_3)CH_2CH_2$.

Applicants respectfully refer to *Atofina v. Great Lakes Chem. Corp*, 441 F.3d 991, 999, 78 USPQ2d 1417, 1423 (Fed. Cir. 2006), wherein the Court held, in pertinent pert, that:

> "Anticipation requires a showing that each limitation of a claim is found in a single reference, either expressly or inherently. . . It is well established that the disclosure of a genus in the prior art is not necessarily a disclosure of every species that is a member of that genus. . . Given the considerable difference between the claimed range and the range in the prior art, no reasonable fact-finder could conclude that the prior art describes the claimed range with sufficient specificity to anticipate this limitation of the claim."

In discussion of Anticipation of Ranges, MPEP 2131.03 II. states:

> "In order to anticipate the claims, the claimed subject matter must be disclosed in the reference with "sufficient specificity to constitute an anticipation under the statute."

Applicants respectfully submit that Ruland does not specifically disclose an alkoxylates mixture according to formula (I) of the claimed invention, having four block alkoxylates units with a propyleneoxy unit of 1 to 3 propyleneoxy groups immediate to the alcohol moiety. The reference provides no specific examples having propyleneoxy block units let alone attached directly to the alcohol moiety. Therefore this reference provides insufficient specificity to anticipate the claimed invention.

Moreover, Applicants respectfully submit that Ruland cannot render the claimed invention obvious as it neither suggests nor provides motivation to one of ordinary skill in the art which would lead to the specific alkoxylates mixture according to the claimed invention. In addition, Ruland is directed to an alkoxylate mixture comprising at least one alkoxylate of formula (I), where the carbon chain ranges from 8 to 11 carbons, and at least one second alkoxylate of formula (II), where the carbon chain ranges from 12 to 24 carbons. The reference teaches that such "alkoxylate **mixtures derived from shorter chain and longer-**

chain alkanols have significantly improved washing behavior . . ."[0025] (bold added). Therefore, Applicants respectfully submit that Ruland actually teaches away from the claimed mixture by stating: "The improvement is particularly marked compared with the use of exclusively short-chain alkanol ethoxylates." [0025]

In view of the foregoing, Applicants respectfully submit that the cited reference neither anticipate nor renders obvious the claimed invention and withdrawal of the rejection of Claims 1-3 and 5-10 under 35 U.S.C. 102(a) over Ruland et al. is respectfully requested.

The rejection of Claims 1-3 and 5-10 under 35 U.S.C. 103(a) over Dahlgren et al. (WO 94/11331) in view of Dahlgren et al. (WO 94/11330) and further in view of Clement et al. (WO 01/04183 A1) is respectfully traversed.

None of the cited references, when combined, disclose or suggest an alkoxylate mixture according to formula (I) as described in Claim 1 of the presently claimed invention.

Dahlgren('331) is directed to a process for cleaning hard surfaces with a detergent comprising an alkoxylate selected from the group consisting of

$$C_5H_{11}CH(C_3H_7)CH_2O(C_2H_4O)_nH$$

and

$$C_5H_{11}CH(C_3H_7)CH_2O(C_2H_4O)_p(B)rH.$$

This reference indicates that in "those cases where different alkyleneoxy groups are present in the same compound, they may be added **randomly or in block**." (Page 2, lines 5-7)(Bold added) Blocks of 4 alkyleneoxy units in the specific order "$(B)_p(A)_n(B)_m(A)_q$" where p is 1 to 3 are neither disclosed nor suggested.

Dahlgren('330) is directed to an alkoxylate of the formula:

$$C_5H_{11}CH(C_3H_7)CH_2O(B)r\ (C_2H_4O)_pH$$

where "B" is an alkyleneoxy group having 3-4 carbon atoms and r is a number from 1-6 Blocks of 4 alkyleneoxy units in the specific order "$(B)_p(A)_n(B)_m(A)_q$" where p is 1 to 3 are neither disclosed nor suggested.

In contrast, the claimed invention is directed to an alkoxylate mixture comprising alkoxylates of the formula (I)

$$C_5H_{11}CH(C_3H_7)CH_2O(B)_p(A)_n(B)_m(A)_qH \qquad (I)$$

where A is ethyleneoxy, B is propyleneoxy and are present in the **form of 4 blocks in the stated sequence**, p is a number from 1 to 3, n is a number from 0.25 to 10, m is a number from 2 to 10, q is a number from 1 to 5, from 85 to 96% by weight of alkoxylates A1, in which C_5H_{11} is n-C_5H_{11}, and from 4 to 15% by weight of alkoxylates A2, in which C_5H_{11} is $C_2H_5CH(CH_3)CH_2$ and/or $CH_3CH(CH_3)CH_2CH_2$.

Applicants respectfully call the Examiner's attention to the following excerpt from the Office's own discussion of **"Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*"**

> "The rationale to support a conclusion that the claim would have been obvious is that **all the claimed elements were known in the prior art** and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art at the time of the invention.[43] ""**[I]t can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.**"[44] **If any of these findings cannot be made, then this rationale cannot be used to support a conclusion that the claim would have been obvious to one of ordinary skill in the art,**" (Federal Register, Vol. 72, No. 195, page 57529) **(Bold added)**

Applicants respectfully submit that the combination of Dahlgren('331) and ('330) do not provide all the elements of the claimed invention and provide no suggestion or motivation

which would lead one of ordinary skill in the art to the composition according to the claimed invention.

Clement is cited to show a double metal cyanide catalyst. However, as Clement does not disclose or suggest the alkoxylate mixture according to the claimed invention it does not cure the deficiencies of Dahlgren('331) and ('330) described above.

Therefore, in view of the foregoing, Applicants respectfully submit that the cited combination of references can neither anticipate nor render obvious the claimed invention and withdrawal of the rejection of Claims 1-3 and 5-10 under 35 U.S.C. 103(a) over Dahlgren et al. (WO 94/11331) in view of Dahlgren et al. (WO 94/11330) and further in view of Clement et al. (WO 01/04183 A1) is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for allowance and early notice of such action is earnestly solicited.

Respectfully submitted,

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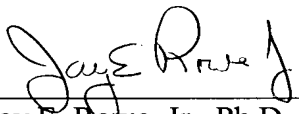
Norman F. Oblon



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